



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Confirmation No. 1705  
Tadashi Fujii et al. : Docket No. 2001-0116A  
Serial No. 09/762,230 : Group Art Unit 1652  
Filed February 5, 2001 : Examiner C. Fronda

GENE PARTICIPATING IN THE  
PRODUCTION OF HOMOGLUTAMIC  
ACID AND ITS USE

THE COMMISSIONER IS AUTHORIZED  
TO CHARGE ANY DEFICIENCY IN FEE  
FEES FOR THIS PAPER TO DEPOSIT  
ACCOUNT NO. 23-0975

#7/JRW  
10-20-02  
RECEIVED  
OCT 22 2002  
TECH CENTER 1600/2900

**RESPONSE TO RESTRICTION REQUIREMENT**

Assistant Commissioner for Patents,  
Washington, D.C. 20231

Sir:

In response to the Restriction Requirement dated September 26, 2002, Applicants hereby provisionally elect the invention of Group I, claims 1-10. Applicants also provisionally elect the species of SEQ ID No. 2 encoding piperidine-6-carboxylic acid dehydrogenase, as per the Examiner's request. It is noted that this election is made by the Applicants while retaining their right to file a Divisional Application directed to the non-elected subject matter with the protection afforded by 35 USC § 121.

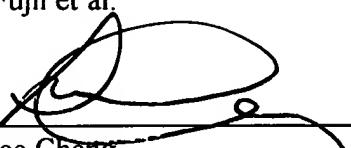
Applicants also reserve the right to request rejoinder of non-elected claims 11-15 with the elected claims of Group I under *In re Ochiai* upon allowance of the elected claims.

Claims 11-15, directed to non-elected subject matter, remain in the application. It is requested that they be permitted to remain in a dormant condition pending the filing of a divisional application.

The Examiner accordingly is requested to proceed with an examination on the merits.

Respectfully submitted,

Tadashi Fujii et al.

By: 

Lee Cheng  
Registration No. 40,949  
Attorney for Applicants

LC/gtg  
Washington, D.C. 20006-1021  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
October 21, 2002